

Message Text

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PAGE 01 STATE 227086
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 CPR-02 /016 R

DRAFTED BY L/M:HFSHAMWELL
APPROVED BY L/M:KEMALMBORG
ARA/CEN - MR. WELTER
S/CPR - MR. GOOKIN (INFO)

-----005316 072154Z /66

P 072138Z SEP 78
FM SECSTATE WASHDC
TO AMEMBASSY MANAGUA PRIORITY

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E.O. 11652: N/A

TAGS: PDIP, APER, NU

SUBJECT: LEASE DISPUTE INVOLVING EMBASSY STAFF MEMBER

- -

REF: MANAGUA 4093

1. REFTTEL REQUESTED AUTHORIZATION TO CLAIM IMMUNITY ON BEHALF OF EMBASSY EMPLOYEE INVOLVED IN LEASE DISPUTE WITH LANDLORD. IMMUNITY WOULD BE BASED ON ARTICLE 37 OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS SINCE EMPLOYEE IS MEMBER OF ADMINISTRATIVE AND TECHNICAL STAFF. THAT ARTICLE AFFORDS PERSONAL IMMUNITY IN CIVIL AND ADMINISTRATIVE CASES ONLY FOR ACTIONS COMMITTED IN "COURSE OF (OFFICIAL) DUTIES."

2. DEPT. FINDS IT DIFFICULT TO SUPPORT CLAIM THAT ENTERING INTO PRIVATE LEASE IS PART OF OFFICIAL DUTIES, ALTHOUGH ADMITTEDLY IT IS NECESSARY TO HAVE HOUSING AS AN ADJUNCT TO PERFORMANCE OF EMBASSY FUNCTIONS AND THAT HOUSING IS PAID FOR OUT OF GOVERNMENT FUNDS. MORE DEFENSIBLE POSITION CAN
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BE TAKEN IN CASE OF DIPLOMATS WHO ENJOY IMMUNITY UNDER ARTICLE 31(I)(A) RESPECTING "REAL ACTIONS RELATING TO PRIVATE IMMOVABLE PROPERTY" IF THEY HOLD IT "ON BEHALF OF THE SENDING STATE FOR PURPOSES OF THE MISSION.

3. NOTWITHSTANDING DEPT'S RELUCTANCE RESPECTING DEFENSIBILITY OF LEGAL BASIS FOR IMMUNITY, DEPT. WILL,

UNDER THE PRESENT CIRCUMSTANCES, AUTHORIZE EMBASSY THROUGH ITS ATTORNEY, TO PRESENT CASE FOR IMMUNITY ON GROUND THAT STAFF MEMBER WAS CARRYING OUT "OFFICIAL" INSTRUCTIONS IN SECURING PRIVATE LIVING ACCOMMODATIONS.

4. RESPECTING RECIPROCITY, EMBASSY IS FREE TO CITE FACT THAT AT PRESENT TIME, PENDING REPEAL (IMMINENT) OF DOMESTIC STATUTE GRANTING FULL IMMUNITY FROM LEGAL PROCESS TO ALL DIPLOMATIC MISSION PERSONNEL, ALIEN ADMINISTRATIVE AND TECHNICAL STAFF MEMBERS OF NICARAGUAN EMBASSY WOULD ENJOY IMMUNITY UNDER THE CIRCUMSTANCES. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISPUTES, DIPLOMATIC PRIVILEGES, LEASES
Control Number: n/a
Copy: SINGLE
Draft Date: 07 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: HFHAMWELL
Enclosure: n/a
Executive Order: N/A
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Expiration:
Film Number: D780365-0166
Format: TEL
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780992/aaaacyam.tel
Line Count: 73
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 92cdde55-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Content Flags:
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